

REMARKS

The claims have been amended to address the rejections under Section 112.

Specifically, it is now clear that Applicant claims a container variability system which includes a hook lift hoist and a tab to be placed on the longsill of a container. The container is not claimed; the system is for use with a container. In addition, the claims more clearly point out that the placement of the tab on the container varies with each separate container. The tab is placed such that when the switch on the hoist is struck by the tab and movement of the container thus stops, at that stop point the end of the container extends past the rear of the chassis to ensure proper dumping position.

The pending claims were rejected under 35 U.S.C. 103 as being unpatentable over Webster in view of Koppe. Applicant respectfully disagrees with this rejection.

Webster does not disclose any tab on the container. At most, Webster discloses body locks (29) on the hoist that engage with the container to hold the container in place. Applicant respectfully requests that the Examiner point out specifically where tabs, such as those claimed, are described in Webster.

The tabs (58) of Applicant's invention are distinct from the body locks (62) of Applicant's invention. The body locks 62 secure the container to the chassis and also are used to hold the end of the container in place for dumping of the payload. See also U.S. Patent No. 5,601,393, which is described in the specification at page 4, line 3 for illustration of the body locks. These body locks 62 are not used to ensure the proper position of a container. The tab 58 which is mounted on the longsill of the container is placed at an appropriate location on the container such that as the container is being placed on the hoist, and movement of the container is stopped when the tab 58 strikes the switch, the container is positioned so that there is still sufficient overhang past the rear of the hoist.

In Webster, the movement of the container onto the hoist is determined by the projections 18 and guides 12, which are all a part of the hoist. There is no tab in Webster that is placed on the container such that it strikes a switch as the container is loaded to stop the movement of the container.

Webster also does not teach a hook lift hoist system that allows for dumping of the payload; Webster merely describes loading and unloading a container onto the vehicle. The Webster invention cannot be used when the container needs to be dumped or emptied. The

slots 29 would not stop the container from sliding off of the vehicle as the container is raised for dumping. Conversely, Applicant's invention is specifically used to ensure proper placement of the container on the vehicle so that it can be dumped. If dumping were not the intention, it would not matter if the container were shorter than a minimum specified length and was placed all the way at the front of the chassis. The point of positioning the container with the rear overhanging the end of the chassis is to allow for dumping. See the specification at page 2, lines 3-9; page 3, line 15; page 6, lines 1-2.

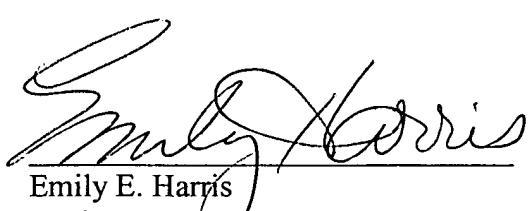
Accordingly, the purpose of the claimed invention is not taught nor suggested by the cited references, nor is there any suggestion or teaching which would lead one skilled in the relevant art to combine the references in a manner which would meet the purpose of the claimed invention. Because the cited references, whether considered alone, or in combination with one another, do not teach nor suggest the purpose of the claimed invention, Applicant respectfully submits that the claimed invention, as amended, patentably distinguishes over the prior art, including the art cited merely of record.

Based on the foregoing, Applicant respectfully submits that its claims 2 and 11-13, as amended, are in condition for allowance at this time, patentably distinguishing over the cited prior art. Accordingly, reconsideration of the application and passage to allowance are respectfully solicited.

The Examiner is respectfully urged to call the undersigned attorney at (515) 288-2500 to discuss the claims in an effort to reach a mutual agreement with respect to claim limitations in the present application which will be effective to define the patentable subject matter if the present claims are not deemed to be adequate for this purpose.

Respectfully submitted,

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